

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

DOUGLAS ASPHALT COMPANY,)	
JOEL H. SPIVEY and KYLE SPIVEY,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 2:06-cv-229-AAA
)	
APPLIED TECHNICAL SERVICES, INC.,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR LEAVE TO AMEND
PRE-TRIAL ORDER

COME NOW Douglas Asphalt Company, Joel Spivey and Kyle Spivey, Plaintiffs in the above-captioned matter, and respectfully request that they be granted leave to amend to add to their exhibit list test results which were produced in the case of Evanston Insurance Company v. Applied Technical Services, Inc, Douglas Asphalt Company, et. al, United States District Court, Southern District of Georgia, Brunswick Division, Civil Action No.: CV207-075 and the the following documents recently produced in the above-styled action by B. Kaye Katz-Flexer, attorney for Defendant:

1. The atomic absorption machine manuals
2. Q.A.P. Standards
3. ATS Quality Assurance Manual

Such documents were requested in the original discovery filed in this action and Plaintiffs were not made aware of the existence of said documents until they were produced at the Evanston trial. As a result, Plaintiffs obtained copies for the first time at or immediately after the Evanston trial from the Defendant's attorney.

Plaintiffs also requested in their original discovery filed in this case Applied Technical Services' Policy and Procedure Manual and Applied Technical Services Lab Manual. To date, these documents have not been received. Finally, Defendants also revealed 94 test results that were conducted by ATS from July, 2005 through part of the year 2006 at the Evanston declaratory judgment trial. Plaintiffs were entitled to these test results years ago and have not received this documentation to date.

Plaintiffs also respectfully request that they be granted leave to amend the pre-trial order to add Alvin L. Crumbliss, Professor of Chemistry and Dean of Natural Sciences as a witness for the Plaintiffs in this case given the contents of the documents recently received from Applied Technical Services and those which are still a week before trial not disclosed. Dr. Crumbliss' expert witness report was served on March 7, 2007.

WHEREFORE, Plaintiffs respectfully request that this Motion be granted and that the Court issue an order permitting Plaintiffs to add the above-referenced documents to their Exhibit list and add Alvin L. Crumbliss as a witness for the Plaintiffs.

This 4th day of September, 2009.

/s/ BRENT J. SAVAGE

Brent J. Savage
Georgia Bar No. 627450

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APPLIED TECHNICAL SERVICES,)
INC.;)

Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing **PLAINTIFFS'**
MOTION FOR LEAVE TO AMEND PRE-TRIAL ORDER with the Clerk of the
Court using the CM/ECF system which will automatically send email notification of such
filing to the following attorneys of record .

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This 4th day of September, 2009.

/s/ Brent J. Savage

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